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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,689	06/04/2001	Kevin A. Deats	10005683-1	4778

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EXAMINER

GOLD, AVI M

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,689	Applicant(s) DEATS, KEVIN A.	
	Examiner Avi Gold	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed on April 10, 2006. Claims 1-3 and 5-20 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-12, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghannam et al., U.S. Patent No. 6,651,062, in view of Barrett et al., U.S. Patent No. 5,568,612, further in view of Schwartz et al., U.S. Patent No. 5,913,032.

Ghannam teaches the invention substantially as claimed including management of data among distributed computer systems (see abstract).

As to claims 1 and 17, Ghannam teaches a method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising; and a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

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gathering event data from a plurality of devices connected to the manufacturing repository (col. 3, lines 3-10, Ghannam discloses network data aggregated from multiple data sources into a data warehouse);

saving the event data to a database (col. 3, lines 3-10);

notifying designated users according to criteria indicated by user profiles (col. 27, lines 15-27, Ghannam discloses parameters set by users to determine what information is presented to them); and,

selectively generating reports (col. 27, lines 15-27, Ghannam discloses user utilization statistics).

send the reports to designated users according to criteria indicated by the user profiles (col. 27, lines 15-27).

Ghannam fails to teach the limitation further including the event data relating to events that have occurred at the peripheral devices; automatically notifying subscribers about logged events; automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles, and automatically sending periodic reports to multiple subscribers.

However, Barrett teaches a method and apparatus for advertising services of two network servers from a single network node (see abstract). Barrett teaches the use of peripheral status and control information sent over the LAN (col. 13, lines 34-37), a customized report sent to a network administrator, which includes logging of various events (col. 14, lines 12-51), and the automatic sending of status information from the printer to the LAN (col. 17, lines 15-20).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ghannam in view of Barrett to send event data regarding peripheral devices automatically to a subscriber based on a profile. One would be motivated to do so because it allows for track keeping of usage and statistics (Barrett, col. 14, lines 42-43).

Ghannam and Barrett fail to teach the limitation further including automatically sending periodic reports to multiple subscribers.

However, Schwartz teaches systems for accessing shared information and other resources (see abstract). Schwartz teaches subscribers that automatically receive reports on a weekly basis (col. 11, lines 8-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ghannam and Barrett in view of Schwartz to automatically send periodic reports to multiple subscribers. One would be motivated to do so because it allows for more recent and accurate updates.

Regarding claim 2, Ghannam teaches the method according to claim 1 wherein the event data comprises information relating to any one from the group of region, manufacture, model or customer identification (col. 7, lines 18-41, Ghannam discloses configuration data).

Regarding claim 3, Ghannam teaches the method according to claim 1 wherein the subscription report comprises information in the form of text, tables, charts and/or graphs (col. 27, lines 15-27, Ghannam discloses statistics in a graph).

Regarding claim 5, Ghannam teaches the method according to claim 1 further comprising the steps:

- receiving a request to set up or change a subscriber profile (col. 27, lines 15-27, Ghannam discloses parameters set by a user);

- receiving new subscriber information and entering it to a subscriber profile (col. 27, lines 15-27); and

- saving the new subscriber profile to the manufacturing repository (col. 25, lines 39-59, Ghannam discloses saving policy information in a database).

Regarding claim 6, Ghannam teaches the method according to claim 5 wherein said step of entering new subscriber information:

- entering contact information of the subscriber (col. 27, lines 15-27, Ghannam discloses sending back statistics to an administrator);

- entering subscriber's desired notification request (col. 27, lines 15-27);

- entering subscription report criteria (col. 27, lines 15-27); and

- entering designated time cycle for subscription report (col. 27, lines 15-27, Ghannam discloses links of systems based on a specified time period).

Regarding claim 7, Ghannam teaches the method according to claim 6 wherein the time cycle includes any one from the group of none, daily, weekly, monthly, quarterly or yearly (col. 27, lines 15-27).

Regarding claim 8, Ghannam teaches the method according to claim 5, further comprising, prior to saving the new subscriber profile:

receiving the new subscriber profile by the manufacturing repository (col. 25, lines 39-59).

Regarding claim 9, Ghannam teaches the method according to claim 1, further comprising, prior to gather event data:

receiving the event data by the manufacturing repository (col. 3, lines 3-10).

Regarding claims 10 and 18, Ghannam teaches the method and computer program according to claims 1 and 17 wherein automatically notifying designated subscribers comprises:

searching the subscriber profile for notification requests for the event data according to the requested criteria;

determining whether there is any notification requests for the event data;

composing notifications for each notification request determined in the subscriber profile; and

sending out the notifications to the requesting subscriber (col. 27, lines 15-27).

Regarding claim 11, Ghannam teaches the method according to claim 10 further comprising idling until the manufacturing repository receives the event data (col. 25, lines 60-67, col. 26, lines 23-34, Ghannam discloses an idle mode).

Regarding claim 12, Ghannam teaches the method according to claim 10 wherein the requested criteria includes any one from the group of event occurrence by page count, event occurrence by region, event occurrence by manufacturing information, event occurrence by device model, or event occurrence by customer (col. 7, lines 18-41, Ghannam discloses topology data).

Regarding claim 20, Barrett teaches the method according to claim 1, wherein the event data comprises one or more of paper jams, low memory conditions, and undefined paper size conditions (col. 14, lines 19-32, Barrett discloses status control information including paper jam and paper size).

3. Claims 13-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghannam, Barrett, and Schwartz further in view of Bowman-Amuah, U.S. Patent No. 6,571,282.

Ghannam teaches the invention substantially as claimed including management of data among distributed computer systems (see abstract). Barrett teaches the invention substantially as claimed including a method and apparatus for advertising

services of two network servers from a single network node (see abstract). Schwartz teaches the invention substantially as claimed including systems for accessing shared information and other resources (see abstract).

As to claims 13 and 19, Ghannam, Barrett, and Schwartz teach the method and computer program of claims 1 and 17.

Ghannam, Barrett, and Schwartz fail to teach the limitation further including the use of scheduled subscription reports.

However, Bowman-Amuah teaches optimizing a response time when locating a list of data for displaying or processing purposes (see abstract). Bowman-Amuah teaches the use of scheduled reports (col. 113, lines 34-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ghannam, Barrett, and Schwartz in view of Bowman-Amuah to use scheduled subscription reports. One would be motivated to do so because it would allow for automatic preparation of subscription reports.

Regarding claim 14, Ghannam teaches the method according to claim 13 further comprising updating information from the subscriber profile (col. 27, lines 15-27).

Regarding claim 15, Ghannam teaches the method according to claim 13 further comprising:

accessing the information relating to the manufacturing repository from the production system; and
updating information from the production system (col. 3, lines 3-10).

Regarding claim 16, Ghannam teaches the method according to claim 13 further comprising:

sorting the information for the scheduled subscription report according to the criteria of the requesting subscriber profile; and
formatting the information to generate the report (col. 27, lines 15-27).

Response to Arguments

4. Applicant's arguments filed April 10, 2006 have been fully considered but they are not persuasive. The changes made to this rejection were just for clarification purposes. No new art was added to this action.

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding the argument to claim 1, the applicant argues that the reference, Ghannam, does not disclose user profile. The examiner respectfully disagrees, as seen

in, column 27, lines 15-27, there are user chosen parameters used for determining what information is presented to them.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for Ghannam and Barrett is found in Barrett on column 14, lines 42-43, which is clearly shown in the prior rejection; and the motivation for Ghannam, Barrett, and Schwartz is found in the knowledge generally available to one of ordinary skill in the art.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,516,427 to Keyes et al.

U.S. Pat. No. 6,631,247 to Motoyama et al.

U.S. Pat. No. 6,587,735 to Yaguchi.

U.S. Pat. No. 5,155,842 to Rubin.

U.S. Pat. No. 6,779,004 to Zintel

U.S. Pat. No. 6,310,692 to Fan et al.

U.S. Pat. No. 5,647,056 to Barrett et al.

U.S. Pat. No. 5,799,206 to Kitagawa et al.

U.S. Pat. No. 6,522,421 to Chapman et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

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